

APPROVED

# **TOWN OF WESTFORD**

## **BOARD OF SELECTMEN**

### **MINUTES**

**DATE:** December 10, 2002

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Dini Healy-Coffin, Chris Romeo, Robert McCusker,  
Robert Jefferies, Allan Loiselle

**Town Manager Conducts Public Hearing on the Following Petitions  
Submitted by Mass Electric and Verizon New England on the  
Following Public Ways to Perform Work:**

**Concord Road – Place 1 pole and anchor 13/43;**

**Main Street – Pole 2 poles, remove 2 poles;**

**Flagg Road – Place 1 pole, remove 1 pole;**

**Robinson Road – Place 4 poles and 2 anchors 65/19-18/12, 18/17½;**

**Thistle Lane – Install 1 flush mount 30”x60” pullbox and 2-3” PVC  
conduits and primary electric cable under Thistle Lane to provide  
electric service to Juneberry Lane**

Ledoux opened the public hearing at 7:00 p.m. Jeffrey Faber, Division Manager from Massachusetts Electric, outlined the plans for Concord Road, Main Street, Flagg Road, Robinson Road and Thistle Lane. Laura Verdibello, 5 Thistle Lane, asked for clarification regarding the proposed flush mount pullbox. Faber explained that the pullbox would be underground with the cover flush with the final grade. Ledoux to make a recommendation to the Board after 7:30 p.m.

**Open Forum**

There was no input from the Board or the audience.

**Town Manager Recommendation re: Public Hearing on Petitions from Mass Electric and Verizon New England**

Ledoux updated the Board on the public hearing held at 7:00 p.m. and recommended approval. It was moved by Jefferies, seconded by McCusker, and VOTED 4 IN FAVOR WITH 1 ABSENT (Loiselle), to approve the petitions.

**Public Hearing – Application for All Alcoholic Restaurant License – Butterbrook Crossing, LLC, 15 Old Road**

Attorney Bill Dailey, representing the applicant, stated that the Board granted a license a few months ago but the ABCC has asked that the All Alcoholic Restaurant licensee be a corporation or LLC. Accordingly, the applicant has formed an LLC and seeks re-approval of the license. There was no input from the floor. It was moved by McCusker, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 ABSENT (Loiselle), to approve.

**Public Hearing – Application for Transfer of Alcoholic Beverage License from 99 Restaurant to O'Charlie's, 333 Littleton Road**

Julianne Wells, General Manager, was present seeking to transfer the Alcoholic Beverage License to O'Charlie's. It was moved by Romeo, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 ABSENT (Loiselle), to approve.

**Discussion of MGL, Chapter 40B**

**Letter from Mass Housing re: Rosegate of Westford;**

**Letter from Anthony Martinez;**

**Draft Response to Mass Housing;**

**Correspondence from Town of Norton;**

**Letter from Mass Housing re: Concord Place LLC to developers;**

Chris Pude, Director of the Housing Authority, was present to update the Board on the long-term financing of a loan in the amount of \$1 million with the Department of Housing and Community Development and Mass Housing Partnership regarding the Stony Brook site. Pude asked the Board to authorize Ledoux to sign the Memorandum of Understanding. It was moved by Jefferies, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Loiselle), to authorize Ledoux to sign the Memorandum of Understanding. Mass Housing Partnership will hold the long-term loan. Pude reported that she would be meeting with the Town Engineer on Wednesday, December 11, 2002 to discuss the bids for moving the dirt on the Stony Brook site.

**Letter from Mass Housing re: Rosegate of Westford** – Romeo distributed a primer that he prepared for the Selectmen and the Zoning Board of Appeals regarding Chapter 40B. Romeo stated that when a 40B application comes in the applicants are encouraged by Mass Housing Finance Authority (MHFA) to come before the Selectmen to informally discuss the project and at some point thereafter MHFA writes to the Selectmen and asks for a formal written response

Westford Board of Selectmen – December 10, 2002

Page 3

outlining the Board's concerns. The Zoning Board of Appeals has the authority to issue a Comprehensive Permit and their clock starts upon the formal application with 30 days to conduct a public hearing and make decision.

*Loiselle arrived at 7:45 p.m.*

Romeo stated that the Board of Health and Conservation Commission are limited in their abilities to employ State mandates. Sam Frank, Chairman of the Zoning Board of Appeals, stated that there have been some discussions regarding the Conservation Commission and Board of Health and local standards. Frank stated that he is trying to get clarification from Town Counsel. Healy-Coffin referenced the letter from the Town of Norton dated July 12, 2002 which indicates that an applicant can seek a waiver of local ordinances and bylaws. Romeo announced that the Affordable Housing Committee will be conducting an Educational Seminar on Wednesday, January 8, 2002 at 5:00 p.m., Police Training Room. Speakers to include Attorney Mark Broboski and a representative from Mass Housing Partnership.

**Draft Response to Mass Housing** – The Board reviewed the draft response to Mass Housing prepared by Ledoux. Jefferies suggested that the letter outline that the site is overburdened, there are a number of drainage and traffic problems, there are known drainage issues, the property was probably filled in the past, there is a conflict with the driveway to the site and the driveway to the abutting commercial property, and that no traffic information was provided. Romeo referenced the letter from Tony Martinez, dated December 1, 2002, which mentions the amount of discharge from the project as 2,860 gallons per day under the State guidelines and the discharge of 3,900 gallons per day under the Westford Board of Health guidelines. Romeo suggested adding the discharge information to the letter. Healy-Coffin asked to add to the letter that the financial capabilities and history of the LLC were not provided to the Selectmen. Sam Frank, Chairman of the Zoning Board of Appeals, stated that he had heard that apple processing was done on the site in the past and that there could be possible arsenic contamination. Frank suggested that this project be done under a Local Initiative Project (LIP). The Board agreed. It was moved by Loiselle, seconded by Jefferies, to put in the letter that Mass Housing should deny eligibility until the information is available. Romeo stated that he would abstain from voting because he felt it was premature to deny the project. Romeo stated that he was also on the Affordable Housing Committee and 40B projects bring in affordable housing. Loiselle stated that in order for the Board to make a determination, there must be sound engineering data. McCusker felt that there was not enough information to render a proper decision for or against the project. McCusker also felt that a flat-out denial sounds like the Town is against affordable housing. Romeo suggested that Loiselle amend his motion to say that the Board strongly disagrees with the project as presently presented. Healy-Coffin asked to include in the letter the suggestion that the project come in as a LIP project which has a better impact to the Town and sets a better tone for boards to work together. Ledoux recommended utilizing

information for the letter to the State provided by the Martinez letter. Loiselle amended his motion as follows: The agency render no decision on eligibility as there is insufficient information presented based on the concerns outlined by the Board. VOTE: All in Favor. Ledoux to draft the letter.

**Concord Place LLC** – Ledoux reported that he requested an extension to January 15, 2003 to respond. Loiselle suggested inviting the developer to a meeting to discuss a revised plan and any other information that they have been able to compile. Ledoux reported that an All Boards Meeting has been scheduled January 7, 2003 to discuss the Route 225 bypass road and the proposed development for Concord Place.

**Notice Under MGL, Chapter 61, 61A Section 14 – Land of Patricia O'Connor**

Ledoux reported that this was sent to the Selectmen in error. The land to remain under Chapter 61A. No option to pursue.

**Discussion on Policy for Use of Town Common**

Ledoux noted that there is electrical underground conduit on the common and that Parks and Recreation would need to coordinate if anything is proposed to be driven into the ground. Ledoux stated that grounds maintenance needed to be coordinated, the events on the common would need to be coordinated with the events around the common, i.e., library, church, etc. Ledoux asked who would be responsible for clean up and any damage to the common. Loiselle suggested that a policy contain the following:

- 1) No exclusive use of the common.
- 2) Parties responsible for the condition of the common.
- 3) Parks & Recreation need to know if things are going into the ground.
- 4) Electrical use.
- 5) Parking – how much is available, controls need to be in place.
- 6) Any town sponsored event takes priority over any other use.

Healy-Coffin suggested the following:

- 1) Have a master list and calendar at the Selectmen's office of when people are using the common to be checked and cross-referenced.
- 2) Put together an application and a list of rules and regulations. Applicants would need to indicate the number of parking spaces needed.
- 3) Restricted to Westford residents. Exemptions can be requested.

Romeo suggested that it be the responsibility of the applicant to know of any conflicting events. Jefferies stated that people need to know the basic use of the town common and that events need to be cooperative. Jefferies stated that there also needs to be a policy established on the use of town-owned land. The

Board concurred. To be a future agenda item. Ledoux to prepare draft policy on use of the town common for the next meeting.

**Applications and Permits – Annual License Renewals**

List of establishments and licenses for renewal provided by the Town Clerk dated December 5, 2002. Ledoux read a list of establishments with overdue taxes based upon information supplied by the Town Clerk and the Town Treasurer. Ledoux recommended approving the license renewals and directing the Town Clerk to not release the licenses with overdue taxes until those taxes are paid. It was moved by Jefferies, seconded by

Loiselle, and VOTED UNANIMOUSLY, to approve the list of license renewals and direct the Town Clerk to not release the licenses with overdue taxes until the taxes are paid.

### **Franklin Property**

No report at this time.

### **Brookside Mill**

Ledoux requested an executive session at the end of the meeting to discuss real estate issues regarding Brookside Mill and a discussion with the Cable Advisory Committee.

### **Minutes**

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of October 22, 2002 (regular session).

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of October 22, 2002 (executive session) but NOT release to the public.

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of October 29, 2002 (regular session).

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of October 29, 2002 (executive session) but NOT release to the public.

It was moved by Jefferies, seconded by Loiselle, and VOTED 3 IN FAVOR WITH 2 ABSTAINING (McCusker, Romeo), to approve the minutes of November 9, 2002 (special meeting).

It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (McCusker), to approve the minutes of November 12, 2002.

It was moved by Loiselle, seconded by Romeo, and VOTED 3 IN FAVOR WITH 2 ABSTAINING (Jefferies, McCusker), to approve the minutes of November 18, 2002 (executive session) but NOT release to the public.

Westford Board of Selectmen – December 10, 2002

Page 6

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of November 18, 2002 (Joint Meeting with Planning Board).

### **Board Reports/Updates**

**Rita Miller School** – Jefferies announced the opening of the Rita Miller School. Jefferies thanked the Clerk of the Works, Ken Morgan and Bob Smith of the Permanent School Building Committee, Richard Barrett and Jim Rand of the Highway Department and the Town Engineer Mark Hamel for their outstanding efforts. Ledoux to send a letter of appreciation from the Board.

### **Old Business/New Business**

**Request to Fill Assistant Animal Control Officer Position** – Ledoux referenced a letter dated December 5, 2002 from Michael Harrington, Chief Animal

Control Officer, requesting to fill the Assistant Animal Control Officer position due to the retirement of Judi Bassett. Ledoux recommended approval of this request. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve.

**MMA Annual Meeting** – Ledoux asked the Board for their interest regarding the MMA Annual Meeting to be held on January 10-11. Ledoux reported that he, Chris Liebke, Human Resource Director and the Town's consultant will be conducting a workshop on Saturday January 11<sup>th</sup> regarding the Town's negotiations relative to health insurance. Healy-Coffin asked that Ledoux send an e-mail as a reminder to the Board.

### **Correspondence**

Healy-Coffin read the list of correspondence.

12.3 Middlesex Retirement System – Assessments of Fiscal Year 2004 – Ledoux reported that the some of the assumptions have been revised. The rate of return has changed to 8¼%. Town Managers in the Middlesex Retirement System have met with the Middlesex Retirement System and the Public Employee Retirement Commission. The Town Managers are looking at legislative options for more control over the retirement system.

### **Executive Session**

The Board convened to executive session at 9:20 p.m. to discuss real estate issues relative to Brookside Mills and discussions with the Cable Advisory Committee. A polling of the Board to go into executive session: Healy-Coffin-yes; Romeo-yes; McCusker-yes; Jefferies-yes; Loiselle-yes. Dave Levy and Jim Silva, Cable Advisory Committee, to attend the Cable Advisory Committee discussion. The Board to reconvene to regular session for the purpose of adjourning.

### **Open Items**

12/10-1 Ledoux to prepare letter to State re: Rosegate 40B project.

12/10-2 Ledoux to prepare draft policy re: use of town common.

12/10-3 Ledoux to send letter of appreciation to Ken Morgan and Bob Smith, Permanent School Building Committee, Richard Barrett and Jim Rand, Highway Dept., Mark Hamel Town Engineer and the Clerk of the Works for the Rita Miller School re: their outstanding efforts to get the school open on time.

12/10-4 Ledoux to e-mail Board as a reminder of MMA Annual Meeting.

12/10-5 Ledoux to schedule future agenda item re: policy on use of town-owned land.

### **Adjournment**

The Board reconvened to regular session at 9:40 p.m. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to adjourn the meeting.

